REMARKS

Posture of the Case and Claim Rejections

Claims 1-35 were originally filed. In a first Office action (the "first Office action") of February 22, 2007, Examiner rejected claims 18-35 under 35 USC 101 on grounds that the invention claimed therein was directed to non-statutory subject matter. In Reply A, filed May 22, 2007, Applicant amended the claims to overcome the rejection. The first Office action rejected claims 1-5, 10-12, 15, 18-22, 26-31 and 35 under 35 USC 102(a) as being anticipated by U.S. Patent 5,592,553 (Guski) and claims 6-9, 13, 14, 16, 17, 23-26, 32-35 under 35 USC 103(a) as being unpatentable over Guski in view of well-known practices in the art. In reply A, Applicant amended claims to overcome the rejections, pointing out the novel and nonobvious differences of the present invention.

In a second, final Office action of July 17, 2007, (the "final Office action") Examiner stated that Applicant's arguments with respect to 35 USC 101 were persuasive, and the rejection was dropped. However, Examiner found Applicant's arguments with respect to the 102(a) and 103(a) rejections of claims 1 and 2 unpersuasive. In the final Office action, Examiner rejected claims 1-3, 18-20, and 27-29 under 35 USC 112, second paragraph. Examiner also maintained the 102(a) and 103(a) rejections based on the same prior art. Specifically, Examiner rejected claims 1-5, 10, 18-22, 26-31 and 35 under 35 USC 102(a) as being anticipated by Guski, and claims 6-9, 23-26, and 32-35 under 35 USC 103(a) as being unpatentable over Guski in view of well-known practices in the art.

Amendments to Independent Claims Submitted Herein to Overcome Rejections Under 35 USC 112, second paragraph

Applicant has amended claims 1, 2, 18, 19, 27, and 28 to delete an extraneous "and."

Examiner noted in the final Office action that Guski teaches "receiving said first application name again by the password generator at a second time and generating a second instance of the first password for said first application by the password generator, wherein the generating of the second instance of the first password is based on at least said first application name received at the second time and based on said single key, and the generated first password is identical in its first and second instance if no time interval has been user specified for the first and second instances *or* if a time interval has been user specified but not elapsed between the

first and second times." Applicant acknowledges Examiner's point about use of "or" in final limitation of independent claims, and herein amends the "or" in claims 1, 2, 18, 19, 27, and 28 to read "and." Applicant submits that this amendment overcomes the rejection under 35 USC 112 regarding the issue of whether the claim is limited by a time interval.

Regarding the rejection under 35 USC 112 about insufficient antecedent basis for "time interval," presumably the rejection refers to the following language, since this is where the term "time interval" occurs:

> *the generated first password is identical in its first and second instances if no time interval has been user specified for the first and second instances or if a time interval has been user specified but has not elapsed between the first and second times.*

No antecedent reference in the claims to a "time interval" is suggested by the language "no time interval has been user specified" nor by the language "a time interval has been user specified but has not elapsed between the first and second times." Therefore, no antecedent basis whatsoever, i.e., no antecedent statement in the claims about a "time interval," is required. Nevertheless, in order to fully cooperate with the Examiner, Applicant herein amends claims 1, 2, 18, 19, 27, and 28 to put the reference to "a time interval has been user specified. . . times" ahead of claim language "no time interval has been user specified … instances."

Applicant acknowledges that Applicant's explanation in Reply A about first and second embodiments was arguably confusing. Note that on page 7, line 18 - page 8, line 29, of the original specification, in connection with description of FIG. 3, the application clearly describes a *single* embodiment in which the user may either specify and time interval for a password or else not specify the time interval, and wherein the password generator responds accordingly in both circumstances. See especially page 8, lines 17-18, lines 21-22, and lines 29-30. Applicant submits that this amendment overcomes the rejection under 35 USC 112 regarding antecedent basis for time interval.

Remarks Concerning Rejections Under 35 USC 102

Regarding the 102(a) rejections, the rejection argues Guski teaches at col. 6, line 61 - col. 7, line 3, that a password is valid for a predetermined time interval, and that this anticipates either a password generator producing the same password "if no time interval has been user specified"

or else "if a time interval has been user specified but has not elapsed" between instances.

Applicant respectfully disagrees.

What the cited passage states is the following:

> Password generator 300 is invoked when a user wishes to access a host application. When invoked, the password generator generates a one-time password 310 as a function of the user ID 302, application ID 304, signon key 306 and time/date 308. Password 310 is transmitted to the authenticating node 104, together with the user ID 302 and application ID 304, as part of a signon request 320.

Applicant respectfully submits that this actually teaches the *opposite* of that for which it is cited. That is, the passage teaches generating a "one-time password." Generating a "one-time password" is directly contrary to generating the same password at two different times, i.e., in first and second instances, where the first instance is at a first time and the second instance is at a second time, as claimed. If Guski wanted to convey generating the same password at two different times, then using the type of terminology Guski did use, Guski might have said a "two-time password" or a "multiple-time password." But this is not what Guski said.

Indeed, elsewhere Guski teaches about a time interval that is also directly contrary to what is claimed in the present case. That is, Guski states the following:

> If the received password 310 does correspond to a legal password, then the password evaluator 312 determines whether the received password is identical to any valid password received over a predefined time interval (step 708); the interval is 10 minutes in the disclosed embodiment, but may be more or less if desired. If the received password is identical to a password received within the defined time interval, the just-received password is rejected as a "replay" of the previously received password (step 706). Since the valid password for a given used ID and application ID changes every second in the disclosed embodiment, the only realistic manner in which an identical password could be generated is by interception of a previously transmitted password (e.g., as it traverses the communications channel 106) and "replay" of that password by injecting it back into the system.

Col. 9, line 55 - col. 10, line 3.

In this passage, Guski teaches that if two instances of the same password are received during a predetermined time interval, the password is rejected, since Guski's password generator *should not generate two identical passwords*. Note that limiting the testing of passwords for sameness to an interval such as 10 minutes is presumably merely due to the memory required to save received passwords for comparison, not because Guski teaches generating identical passwords after the 10 minute interval. Indeed, given that Guski teaches generating passwords as
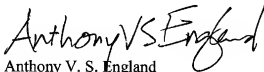
a function of time/date 308, as previously discussed herein above, Gush's password generator should not generate two identical passwords *regardless* of the interval.

So, Guski does not teach generating the same password in first and second instances either if no time interval has been user specified *or* if a user specified time interval has elapsed between instances. All the more certainly, Guski does not teach generating the same password in two instances both if no time interval has been user specified *and* if a user specified time interval has elapsed between instances, as now claimed.

REQUESTED ACTIONS

For the reasons explained herein above, Applicant contends that the claims as amended herein are patentably distinct, and hereby requests that Examiner grant allowance and prompt passage of the application to issuance.

Respectfully submitted,

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